

In item 5 spanning pages 2 and 3 of the Office Action, the Examiner asserted that the following limitation in independent claim 19 is not properly enabled:

“a decision unit operable to decide a proper mixing order of the plurality of injections included in the injection prescription data acquired by said acquisition unit based on the pH-values data for deciding a mixing order corresponding to the data specifying the plurality of injections stored in said memory unit”

In particular, the Examiner stated that there is no description of whether the pH values of the injections are ordered lowest-to-highest, highest-to-lowest, or some other order. Furthermore, the Examiner stated that there is “no other description of how a controller or decision unit would decide a mixing order based on the pH-values data.” However, the original disclosure fully enables the above limitation, as explained below.

The decision process for determining the proper order of injections is generally described on pages 19 and 20 with reference to Figure 6. In particular, it is explained that the transfusions (injections of more than 100ml, as explained on page 11, lines 3-4) are moved to the forefront (see step s32, page 19, lines 10-11). If there are multiple transfusions, the “order of pH values” is maintained so as to establish the order of transfusions (see page 19, lines 11-13).

Furthermore, sole administrations are moved to the rear (i.e., end) (see step s33, page 19, lines 14-17). If there are multiple sole administrations, then the “order of pH values” is again maintained when the sole administrations are moved to the rear, in a manner similar to the transfusions, as explained above (see page 19, lines 17-20).

The remaining medicaments (i.e., injections which are not transfusions or sole administrations) are therefore disposed after the transfusions, which have been moved to the forefront as noted above, and before the sole administrations, which have been moved to the rear as also noted above. As with the transfusions, these medicaments are also ordered “in accordance with the pH values thereof” (see step s31, page 19, lines 8-10 and lines 20-22).

Thus, as explained above and clearly disclosed in the present application, the decision unit decides the proper mixing order as recited in claim 19 by dividing the injections into a first group of injections, or “transfusions,” ordered according to pH values thereof; a second group of injections, or the “remaining” (i.e., unmoved) injections, also ordered according to pH values thereof; and a third group of injections, or “sole administrations,” which are also ordered according to pH values thereof.

However, it is the “order of pH values” which the Examiner appears to be focused on in setting forth the lack of enablement rejection. Specifically, the Examiner stated that “the *only* description of the order of pH-value is ‘the medicaments are rowed in order in accordance with the pH values thereof’ (see page 3 of the Office Action, emphasis added), and refers to a portion of page 19 of the original specification cited above. Of course, it is well established that the disclosure in an application is not limited to *only* the written description, or specification. In fact, the drawings form an important part of the disclosure. See, e.g., *In re Application of Wolfensperger*, 302 F.2d 950, 133 USPQ 537 (CCPA 1962).

In the present application, Figure 10 illustrates a mixing order as it will appear on a screen after the injection mixing order has been decided as explained above (see page 19, line 23 through page 20, line 3 of the specification). As clearly illustrated in Figure 10, a transfusion has been moved to the forefront as explained above, while a sole administration has been moved to the rear as explained above. The remaining injections are clearly in order of *increasing pH value*, as indicated by the fact that Injection A having a pH level of 4.0 has been assigned mixing order 1, Injection E having a pH level of 6.2 has been assigned mixing order 2, and Injection C having a pH level of 8.0 has been assigned mixing order 3.

In view of the above, it is submitted that the subject matter illustrated in Figure 10, when viewed in conjunction with the written description set forth of pages 19 and 20 of the original specification, fully enables the “decision unit” limitation of claim 19. Consequently, the Examiner is respectfully requested to withdraw the Section 112 enablement rejection of the pending claims.

In view of the above remarks and the Examiner's indication of allowable subject matter on pages 3 and 4 of the Office Action, it is submitted that this application is now in condition for allowance. However, if the Examiner has any questions or would like to discuss this further, the Examiner is requested to contact the Applicants' undersigned representative.

Respectfully submitted,

Hiroyuki YUYAMA et al.

By: 

W. Douglas Hahm  
Registration No. 44,142  
Attorney for Applicants

WDH/kjf  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
July 30, 2007